



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	
-v.-	:	PRELIMINARY ORDER OF
	:	FORFEITURE AS TO
	:	<u>SUBSTITUTE ASSETS</u>
RUDY KURNIAWAN,	:	
a/k/a "Dr. Conti,"	:	S1 12 Cr. 376 (RMB)
a/k/a "Mr. 47,"	:	
Defendant.	:	
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WHEREAS, on April 8, 2013, RUDY KURNIAWAN, the defendant, was charged in a two-count Superseding Indictment, S1 12 Cr. 376 (RMB) (the "Indictment") with mail fraud, in violation of Title 18, United States Code, Sections 1341 and 2 (Count One); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Two);

WHEREAS, the Indictment included forfeiture allegations as to Counts One and Two seeking, pursuant to Title 18, United States Code, Section 982(a)(1)(C), and Title 28, United States Code, Section 2461, the forfeiture of all property, real and personal which constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One and Two of the Indictment;

WHEREAS, the Indictment also included a substitute asset provision notice that if as a result of the defendant's actions or omissions forfeitable property is unable to be located or obtained, the United States will seek, pursuant to Title 21, United States Code, Section 853(p), the forfeiture of any other property of the defendant;

December 18, 2013 RAB
WHEREAS, on or about ~~September 16, 2013~~, the defendant was found guilty, after a jury trial, of Counts One and Two of the Indictment;

WHEREAS, on or about August 5, 2014, the Court entered a Consent Preliminary Order of Forfeiture as to Specific Properties/Money Judgment against the defendant in the amount of \$20,000,000.00 in United States currency (the “Money Judgment”), representing property constituting, or derived from, proceeds the defendant obtained as a result of the offenses alleged in Counts One and Two of the Indictment and to the forfeiture of all of his right, title and interest in *inter alia*, purchases from Christies in the amount of \$309,364.94;

WHEREAS to date, \$18,137,903.22 remains outstanding on the Money Judgment;

WHEREAS, as a result of acts and omissions of the defendant, the Government, despite its exercise of due diligence, has been unable to locate or obtain the additional proceeds of the offense of the defendant’s conviction; and

WHEREAS, the Government has identified the following specific assets in which the defendant has an ownership interest:

Any and all wine consigned by Rudy Kurniawan or stored by Rudy Kurniawan, including any and all wine owned by Rudy Kurniawan seized by the Government on or about September 11, 2019 from the Wine Cellarage located in the Bronx, New York, valued up to and including \$18,137,903.22 (the “Substitute Assets”).

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the defendant’s right, title, and interest in the Substitute Assets are hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).

2. Upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Assets and to keep it in its secure, custody and control.

3. Upon entry of a Final Order of Forfeiture, the Substitute Assets shall be applied in partial satisfaction of the Money Judgment entered against the defendant.

4. Pursuant to Title 21, United States Code, 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Preliminary Order of Forfeiture of Substitute Assets and notice that any person, other than the defendant in this case, claiming an interest in the Substitute Assets must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Assets, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the Substitute Assets and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. The United States may also, to the extent practicable, provide direct written notice to any person, other than the defendant, known to have an alleged interest in the Substitute Assets, as a substitute for published notice as to those persons so notified.

7. Pursuant to Title 21, United States Code, Section 853(n), upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Assets, in which all interests will be addressed.

8. The Court shall retain jurisdiction to enforce this Preliminary Order of Forfeiture of Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

9. Pursuant to Federal Rule of Criminal Procedure Rule 32.2(b)(3), upon entry of this Preliminary Order of Forfeiture of Substitute Assets, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property subject to forfeiture, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

10. The Clerk of the Court shall forward four certified copies of this Preliminary Order of Forfeiture of Substitute Assets to Assistant United States Attorney Andrew C. Adams, Co-Chief, Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One St. Andrew's Plaza, New York, New York, 10007.

Dated: New York, New York

~~May _____, 2020~~

June 25, 2024

SO ORDERED:

A handwritten signature in black ink, appearing to read 'RMB', is written over a horizontal line.

HONORABLE RICHARD M. BERMAN
UNITED STATES DISTRICT JUDGE